

Date of Hearing: April 7, 2026

Counsel: Dustin Weber

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 1628 (Michelle Rodriguez) – As Amended March 19, 2026

SUMMARY: Extends the laws providing for safe surrender of infants at designated locations from 72 hours or younger to 30 days of age or younger.

EXISTING LAW:

- 1) States that a parent of a minor child who willfully omits to furnish necessary clothing, food, shelter or medical attendance, or other remedial care for his or her child, is guilty of a misdemeanor punishable by a fine not exceeding \$2,000, or by imprisonment in the county jail not exceeding one year, or by both. (Pen. Code, § 270.)
- 2) Provides that proof of abandonment or desertion of a child by such parent, or the omission by such parent to furnish necessary food, clothing, shelter or medical attendance or other remedial care for his or her child is evidence that such abandonment or desertion or omission to furnish necessary food, clothing, shelter or medical attendance or other remedial care is willful and without lawful excuse. (Pen. Code, § 270.)
- 3) Establishes that every parent who refuses to accept his or her minor child into the parent's home, or, failing to do so, to provide alternative shelter, upon being requested to do so by a child protective agency and after being informed of the duty imposed by this statute to do so, is guilty of a misdemeanor and shall be punished by a fine of not more than \$500. (Pen. Code, § 270.5, subd. (a).)
- 4) States that every parent of any child under the age of 14 years, and every person to whom any such child has been confided for nurture, or education, who deserts such child in any place whatever with intent to abandon it, is punishable by a wobbler. (Pen. Code, § 271.)
- 5) Provides that no parent or other individual having lawful custody of a minor child 72 hours old or younger may be prosecuted for specified violations if he or she voluntarily surrenders physical custody of the child to personnel on duty at a safe-surrender site. (Pen. Code, § 271.5, subd. (a).)
- 6) Provides that each school district shall ensure that all pupils in grades 7 to 12, inclusive, receive comprehensive sexual health education and HIV prevention education from instructors trained in the appropriate courses. Each pupil shall receive this instruction at least once in junior high or middle school and at least once in high school. This instruction shall include all of the following:
- 7) Requires the instruction to include information about the effectiveness and safety of all FDA-approved contraceptive methods in preventing pregnancy, including objective discussion of

all legally available pregnancy outcomes, including, but not limited to, information on the law on surrendering physical custody of a minor child 72 hours of age or younger. (Ed. Code, § 51934, subd. (a)(9)(B).)

- 8) States that a hospital and a safe-surrender site designated by the county board of supervisors or by a local fire agency, upon the approval of the appropriate local governing body of the agency, shall post a sign displaying a statewide logo that has been adopted by the State Department of Social Services (DSS) that notifies the public of the location where a minor child 72 hours old or younger may be safely surrendered. (Health & Saf. Code, § 1255.7, subd. (a)(4).)
- 9) Requires personnel on duty at a safe-surrender site to accept physical custody of a minor child 72 hours old or younger if a parent or other individual having lawful custody of the child voluntarily surrenders physical custody of the child to personnel who are on duty at the safe-surrender site. Safe-surrender site personnel shall ensure that a qualified person does all of the following:
 - a) Places a coded, confidential ankle bracelet on the child;
 - b) Provides, or makes a good faith effort to provide, to the parent or other individual surrendering the child a copy of a unique, coded, confidential ankle bracelet identification in order to facilitate reclaiming the child; and,
 - c) Provides, or makes a good faith effort to provide, to the parent or other individual surrendering the child a medical information questionnaire, which may be declined, voluntarily filled out and returned at the time the child is surrendered, or later filled out and mailed in the envelope provided for this purpose. This medical information questionnaire shall not require identifying information about the child or the parent or individual surrendering the child, other than the identification code provided in the ankle bracelet placed on the child. (Health & Saf. Code, § 1255.7, subd. (b).)
- 10) Requires personnel of a safe-surrender site that has physical custody of a minor child to ensure that a medical screening examination and any necessary medical care is provided to the minor child. (Health & Saf. Code, § 1255.7, subd. (c).)
- 11) Provides that as soon as possible, but in no event later than 48 hours after the physical custody of a child has been accepted, personnel of the safe-surrender site that has physical custody of the child shall notify child protective services or a county agency providing child welfare services, as specified, that the safe-surrender site has physical custody of the child. (Health & Saf. Code, § 1255.7, subd. (d)(1).)
- 12) States that any personal identifying information that pertains to a parent or individual who surrenders a child that is obtained pursuant to the medical information questionnaire is confidential and shall be exempt from disclosure by the child protective services or county agency. (Health & Saf. Code, § 1255.7, subd. (d)(2).)
- 13) Personal identifying information that pertains to a parent or individual who surrenders a child shall be redacted from any medical information provided to child protective services or the county agency providing child welfare services. (Health & Saf. Code, § 1255.7, subd. (d)(2).)

- 14) Requires child protective services or the county agency providing child welfare services to assume temporary custody of the child immediately upon receipt of notice. (Health & Saf. Code, § 1255.7, subd. (e).)
- 15) Requires child protective services or the county agency providing child welfare services to immediately investigate the circumstances of the case and file a petition. (Health & Saf. Code, § 1255.7, subd. (e).)
- 16) Requires child protective services or the county agency providing child welfare services to immediately notify DSS of each surrendered child upon taking temporary custody of the child. (Health & Saf. Code, § 1255.7, subd. (e).)
- 17) Provides that, as soon as possible, but no later than 24 hours after temporary custody is assumed, child protective services or the county agency providing child welfare services shall report all known identifying information concerning the child, except personal identifying information pertaining to the parent or individual who surrendered the child, to the California Missing Children Clearinghouse and to the National Crime Information Center. (Health & Saf. Code, § 1255.7, subd. (e).)
- 18) States that if, prior to the filing of a petition, a parent or individual who has voluntarily surrendered a child requests that the safe-surrender site that has physical custody of the child return the child and the safe-surrender site still has custody of the child, personnel of the safe-surrender site shall either return the child to the parent or individual or contact a child protective agency if any personnel at the safe-surrender site knows or reasonably suspects that the child has been the victim of child abuse or neglect. (Health & Saf. Code, § 1255.7, subd. (f).)
- 19) States that a safe-surrender site, or the personnel of a safe-surrender site, shall not have liability of any kind for a surrendered child prior to taking actual physical custody of the child, and shall not be subject to civil, criminal, or administrative liability for accepting the child and caring for the child in the good faith belief that action is required or authorized. (Health & Saf. Code, § 1255.7, subd. (h).)
- 20) States that in order to encourage assistance to persons who voluntarily surrender physical custody of a child, no person who, without compensation and in good faith, provides assistance for the purpose of effecting the safe surrender of a minor 72 hours old or younger shall be civilly liable for injury to or death of the minor child as a result of the person's acts or omissions. This immunity does not apply to an act or omission constituting gross negligence, recklessness, or willful misconduct. (Health & Saf. Code, § 1255.7, subd. (i)(1).)
- 21) Provides that any identifying information that pertains to a parent or individual who surrenders a child, that is obtained is confidential, shall be exempt from disclosure, and shall not be disclosed by any personnel of a safe-surrender site that accepts custody of a child. (Health & Saf. Code, § 1255.7, subd. (k).)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, “The postpartum period is one of the most vulnerable times in a person’s life both physically and emotionally. In the days after childbirth, many mothers are recovering from trauma, experiencing severe hormonal changes, and, in some cases, facing postpartum depression, anxiety, or isolation. Expecting a life-altering decision within just 72 hours does not reflect this modern reality.

“AB 1628 extends the safe surrender window to 30 days, giving mothers the time they need to stabilize, seek support, and make a safe decision for their child. This bill is about recognizing the realities of postpartum depression and ensuring that no mother in crisis feels rushed into a moment of fear that could lead to tragedy. It is a compassionate, life-saving policy update that protects both mothers and their children.”

- 2) **Effect of the Bill:** A safe surrender site is generally defined as a location designated by a local governing agency, established in consultation with local fire departments and child welfare agencies that may provide services for surrendered infants. (Health & Saf. Code, § 1255.7, subd. (a)(5)(A).) A public or private hospital with the responsibility and capacity to take in a surrendered infant is also permissible. (Health & Saf. Code, § 1255.7, subd. (a)(5)(B).) Safe surrender sites shall post signage notifying the public of its location and qualified personnel must be on duty at safe surrender sites. (Health & Saf. Code, § 1255.7, subds. (b) & (c).) No questions are required to be answered by the surrendering guardian(s) and the law protects surrendering individuals from prosecution of abandonment. (Pen. Code, § 271.5.)

This bill would extend immunity from prosecution for guardians who surrender an infant up to 30 days of age. The extension offers parents a safe surrender option if they find themselves in crisis at some point between the time their child is four days of age and up to 30 days of age.

- 3) **Safe Surrender in California:** Only designated safe surrendered sites can accept physical custody of infants who are voluntarily surrendered by a parent or other person with legal custody.¹ No questions will be asked and the person who surrenders an infant in accordance with this law is granted immunity from criminal liability for child abandonment.² This person may reclaim the surrendered infant within 14 days.³ While there is some minor deviations in how the surrender process works among counties, certain parts of the process are standardized.

The following include some of the standard processes for handling a surrendered baby: 1) welcome the parent or person surrendering the infant, where applicable, and avoid judgment; 2) accept the infant (even if it appears older than 72 hours) and begin to assess for any medical needs; 3) initiate a medical report of the infant (at fire stations, receiving personnel should notify the communications center and arrange for a Code 2 ambulance); 4) locate and open the Newborn Safe Surrender Kit, then place a coded, confidential ankle bracelet on the infant and record the code on the face of the Newborn Surrender Kit envelope, and hand the

¹ *Safely Surrendered Baby*. Contra Costa Health <<https://www.cchealth.org/health-and-safety-information/new-parent-guidance/safely-surrendered-baby>> [as of Mar. 29, 2026].

² *Ibid.*

³ *Ibid.*

duplicate coded bracelet to the surrendering person (have the surrendering adult complete the medical questionnaire, if possible); 5) once on scene, ambulance personnel shall assume custody of the infant and continue to assess and provide for any medical needs of the infant; 6) ambulance personnel shall accompany the infant to the receiving hospital and transfer custody to a designated hospital employee, where the receiving hospital will take custody of the infant and make phone notification with Children and Family Services; and 7) receiving personnel at hospitals should notify CFS by them faxing a copy of the Notes on the face of the surrender kit.⁴

Guardians surrendering infants appear to be extraordinarily rare. According to one stakeholder group, some fire personnel have never experienced a safe surrender incident after decades on the job. Designated fire personnel are mandated reporters and Health Insurance Portability and Accountability Act (HIPAA)-protected. The duplicate bracelets and attached QR codes allow secure tracking of the surrendered infant from the fire station, or other safe surrender site, to the hospital and any other locations.

There does not appear to be much uniformity in safe surrender laws across the country, making data collection and analysis difficult.⁵ In one study led by Dr. Micah Orliss, his team found over half of surrendered infants had medical issues, while the majority were surrendered in communities with low median incomes.⁶ The National Safe Haven Alliance estimates more than 4,500 babies have been surrendered pursuant to safe haven laws since 1999.⁷ They additionally estimate another roughly 1,600 babies were illegally abandoned, of which fewer than 50% were found alive.⁸

While some experts emphasize the importance of investing in evidence-based prenatal and postnatal care, instead of relying exclusively on safe surrender, California appears ahead of many peers in prenatal and postnatal investments.⁹ California is a national leader in prenatal and postnatal services, according to the March of Dimes, ranking seventh nationally.¹⁰ According to Forbes, California ranks third in the nation in best states to have a baby.¹¹ Safe surrender in California does not appear to be a replacement for investments in parents and young children, but rather another option for parents or guardians experiencing a crisis so severe they feel they must surrender their newborn baby.

⁴ *Ibid.*

⁵ Lewis, C and Oberman, M. *Wildly Inconsistent Safe Haven Laws Put Surrendered Infants, Parents at Risk* (Jan. 17, 2023) Governing <<https://www.governing.com/now/wildly-inconsistent-safe-haven-laws-put-surrendered-infants-parents-at-risk>> [as of Mar. 18, 2026] (The author of this analysis attended law school where one author of this article, Professor Michelle Oberman, teaches courses. However, the analysis' author did not have a class taught by Professor Oberman.).

⁶ Orlliss, M, et al. *Safely surrendered infants in Los Angeles County: A medically vulnerable population* (July 30, 2019) National Institute of Health (NIH) <<https://pubmed.ncbi.nlm.nih.gov/31322754/>> [as of Mar. 18, 2026].

⁷ *Ibid.*

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ *2025 Report Card for California* <<https://www.marchofdimes.org/peristats/reports/california/report-card>> [as of Mar. 18, 2026].

¹¹ Galan, F. *What's the best state in the US to have a baby? Here's where California ranked* (Sep. 17, 2024) <<https://www.sacbee.com/news/california/article292451854.html#storylink=cpy>> [as of Mar. 18, 2026].

An extension to thirty days gives new parents an option to safely surrender their child in cases where a crisis may arise a couple weeks after the birth of a child. Existing law now only makes room for those crisis situations that occur immediately or very shortly after birth. Furthermore, while immunity from prosecution may not already extend past the three-day age of the surrendered child, personnel at safe surrender sites will take any newborn, or even minor child, surrendered to them regardless of the child's age.

There is ample precedent in states across the country for lawful surrender up to 30 days.¹² Given that it appears more common for members of underprivileged and underresourced communities to safely surrender a child, a new parent experiencing a crisis may be less likely to know to contact a child welfare office, or even how to contact one of those offices, particularly during a crisis. There also may be more comfort and confidence for parents surrendering an infant to personnel at a fire house. Firefighters are ubiquitous and trusted. Fire houses, firefighters, and fire trucks are easily and readily identifiable. Polling by the CPF has shown that firefighters hold a position of trust by an overwhelming majority of Californians.¹³

- 4) **Argument in Support:** According to the *California Professional Firefighters*, “California’s Safe Surrender Law protects the health and safety of infants at risk of abandonment by allowing the parents or legal guardians of newborns to confidentially surrender the baby at a hospital room or designated fire station without risk of prosecution. This law has saved the lives of children who may have otherwise been abandoned by parents not equipped to care for them or who are in unstable or dangerous situations not suited for an infant. However, the current law only allows for the safe surrender of a child in the first 72 hours of their life, a narrow window in which the birthing parent may not have yet recovered enough to reach a safe surrender site or realized the need to surrender their child.

“AB 1628 extends this window from 72 hours to 30 days while still maintaining important child abuse and neglect laws, ensuring that parents who have realized they are unable to adequately care for their child are able to bring them to safety. This measure recognizes the impossible circumstances faced by many new parents while protecting the safety of children during the most vulnerable period of their lives.”

- 5) **Argument in Opposition:** None submitted.
- 6) **Related Legislation:** AB 2073 (Johnson) exempts from prosecution, for willfully omitting from a child certain necessities of life, among other defined crimes against children, an individual who voluntarily places a child 72 hours old or younger in an infant safety device at a safe-surrender site. AB 2073 is pending a hearing in this committee.
- 7) **Prior Legislation:**
- a) AB 1048 (Torrico), Chapter 567, Statutes of 2010, permitted a local fire agency, upon the approval of the appropriate local governing body of the agency, to designate a safe-

¹² *Safe Haven Laws by State 2026*. World Population Review <<https://worldpopulationreview.com/state-rankings/safe-haven-laws-by-state>> [as of Mar. 29, 2026] (showing approximately half the states in the US provide for safe surrender up to 30+ days of age.)

¹³ In conversation with CFA, they noted their polling has shown up to 95% of Californians have trust in firefighters.

surrender site.

- b) AB 81 (Torrico), of the 2007-2008 Legislative Session, was substantially similar to AB 1048. AB 81 was vetoed by the Governor.
- c) AB 2262 (Torrico), of the 2007-2008 Legislative Session, was substantially similar to AB 1048. AB 2262 was vetoed by the Governor.
- d) SB 116 (Dutton), Chapter 625, Statutes of 2005, repealed the sunset date for laws that made it a crime, among other things, for a parent of a minor child, without lawful excuse, to not furnish necessary clothing, food, shelter, or medical or remedial care for the child, or to refuse, without lawful excuse, to accept the child in his or her home or provide alternate shelter.
- e) AB 1873 (Torrico), of the 2005-2006 Legislative Session, would have designated certain locations as safe-surrender sites for the safe surrender of newborn children who are 30 days of age or younger. AB 1873 was vetoed by the Governor.
- f) SB 1413 (Brulte), Chapter 103, Statutes of 2004, provided that no person who, without compensation and in good faith, provides assistance for the purpose of effecting the safe surrender of a minor 72 hours old or younger shall be civilly liable for injury to, or the death of, the minor child as a result of any of his or her acts or omissions.
- g) SB 139 (Brulte), Chapter 139, Statutes of 2003, eliminated the requirement that the child be surrendered to a designated employee on duty in the emergency room of a hospital or location designated by the board of supervisors, and allowed for the surrender of the child to a safe-surrender site, as defined, at a hospital or location designated for this purpose by a county board of supervisors.

REGISTERED SUPPORT / OPPOSITION:

Support

California Baptist for Biblical Values
California Catholic Conference
California Family Resource Association
California Fire Chiefs Association
California Professional Firefighters
Child Abuse Prevention Center and its Affiliates Safe Kids California, Prevent Child Abuse
California and the California Family Resource Association; the
Concerned Women for America
Fire Districts Association of California
Protection of the Educational Rights of Kids
The California Baptist Capitol Ministry

Opposition

None Submitted.

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